

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

ANATOLY HURGIN, ALEXANDER  
AUROVSKY, ABILITY COMPUTER &  
SOFTWARE INDUSTRIES LTD, and  
ABILITY INC.,

Defendants.

USDC SDNY  
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DATE FILED: 9/20/2022

No. 19-cv-5705 (MKV)

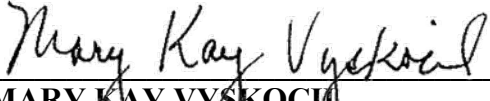
ORDER DENYING WITHOUT PREJUDICE  
SEC MOTION FOR MONETARY RELIEF

MARY KAY VYSKOCIL, District Judge:

On September 6, 2022, the Court held oral argument on the motion of the SEC for monetary relief against defendants Ability, Inc. and Ability Computer & Software Industries Ltd. [ECF Nos. 101, 141, 142, 155, 166–169]. After carefully considering the arguments in the parties’ briefs and the parties’ representations at the oral argument, the Court DENIED without prejudice to later renewal the motion for monetary relief. As the Court explained on the record at the oral argument, there are a number of reasons not to grant the SEC’s motion at this time, including principles of international comity and the SEC’s admission that the money on which the SEC seeks to impose a constructive trust was placed in escrow for the benefit of the individual defendants, who have yet to be found liable of any fraud. The Clerk of Court is respectfully directed to terminate the motion pending at docket entry 101.

**SO ORDERED.**

**Date: September 20, 2022**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**